

## **REMARKS**

This is a response to the office action issued April 24, 2008.

### **I. Correspondence address**

The correspondence address and Attorney of Record were changed with the filed RCE. However, the present office action was sent to the old address.

The examiner is kindly requested to enter the correct correspondence information into the record. The applicant thanks the examiner for this.

### **II. Telephonic interview**

The applicant also thanks the examiner for the time spent in a two-part telephone interview taking place June 25 and July 9. In that interview, the examiner indicated that he did not agree that the applicant's proposed amendment to claim 28 would result in allowance over Lawlor and the other cited references. The examiner did agree that the Lawlor reference did not teach the proposed limitation to claim 87 of switching to a second server where the user communicates directly with the second server.

### **III. Amendment to the specification**

The applicant has amended the specification to reflect the correct chain of priority now that U.S. Patent no. 7,340,506 has issued from application no. 09/792,323.

#### **IV. Claim Objections**

The examiner objected to the language of claims 106-107. These claims have been amended to correct as recommended by the examiner.

#### **V. Rejections under 35 U.S.C. §112**

Claims 82, 83, 85, 90, 96, 97, 100, 101, 107 and 112-116 were rejected under 35 U.S.C. §112, first paragraph for not having support in the specification. The applicant responds as follows: (Please note – all paragraph numbers refer to the published application 2003/0069922).

1) providing a component that rates a user or merchant – claims 82, 83, 97, 112 and 113:

The applicant has modified these claims to require: "monitors statistics and provides information". The applicant believes this is well supported by the specification:

Par. [0054] : "The service network processing 350 may include ..... monitoring performance, monitoring transactions, monitoring client activity and service provider activity ..... collecting statistics ..."

2) a merchandise manager tracking a particular category of merchandise, said merchandise manager sending a message to a user when said particular category of merchandise is available – claims 85, 107 and 116:

Par. [0110] “....management agent 1560 that are potentially geographically distributed over the Internet 1510. The exchange 1520 and the management agent 1560 may take on different roles as desired, including peer-to-peer, client-server or master-slave roles. Management manager 1550 may reside on a separate computer system either on the Internet 1510 or anywhere where the Internet 1510 connects with another computer system or network. Management manager 1550 may interact with an operator agent associated with the exchange 1520. In alternate embodiments, two or more of the components shown may reside on the same computer system or location in the Internet 1510.”

Par. [0095] “For example, if an object is information about models of cars, then one instance of that object would provide a user with information about a specific model of the car while another instance would provide information about a different model of the car.”

Par. [0097] “In this example, service provider node 1215 is a supplier selling products over the service network. The client access device 1205 indicates to purchase one model r100 at a cost of \$100. The supplier 1215 connects and communicates with data source 1220 to obtain inventory data and update the inventory to reflect the purchase of one model R100 unit at a cost of \$100. Arrow 1221 is partly filled to indicate that the requested model 100 is in inventory and was purchased.”

3) notifying a user when a particular item of merchandise is available –

claim 90: Same as 2)..

4) providing a component that rates a seller based on past transactions by that seller – claim 96:

Same as 1): The applicant has modified these claims to require: “monitors statistics and provides information”. The applicant believes this is well supported by the specification:

5) a feedback module providing feedback concerning said merchant to said user – claims 110, 114 and 101, 115 (feedback module):

PLEASE NOTE: The applicant has removed the word “feedback” from the claims.

Par. [0054] “...monitoring performance, monitoring transactions, monitoring client activity and service provider activity (e.g., to support accounting and billing policies of the service network), collecting statistics..”

#### **VI. Rejections under 35 U.S.C. §101**

Claims 78-86 and 93-117 were rejected under 35 U.S.C. §101 for containing non-statutory subject matter, namely a “two-way transaction service operating on the Worldwide Web” and a “system” respectively. The applicant feels that this language describes statutory subject matter of a system; nevertheless, the applicant has added the limitation “running on a processor” to independent claims 78 and 108. These claims are now clearly statutory.

#### **VII. Rejections under 35 U.S.C. §103**

The claims have been amended to reflect a handoff from one server to a second server where the user is placed into communication directly (through the internet or other communication network) with the second server. Lawlor and the other art cited by the examiner does not teach this. In Lawlor, all service to the user terminal is provided by the bank computer. Even though the bank computer itself may communicate with other computers, the user terminal never

communicates directly with a second computer or server. For these reasons, the applicant believes that now there is no *prima facie* case of obviousness as required by M.P.E.P §2142.

#### **VIII. Conclusion**

The applicant believes that for the reasons stated above, claims 28-37 and 78-117 are now allowable. The examiner is respectfully requested to place the case in condition for allowance at the earliest convenience.

Respectfully Submitted

A handwritten signature in black ink, reading "Clifford H. Kraft". The signature is written in a cursive, flowing style.

Clifford H. Kraft  
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Attorney of Record

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Name: Clifford H. Kraft



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